

Driscoll stipulation

**In the United States Bankruptcy Court
for the Western District of Pennsylvania**

In re:)	
William A. Driscoll, Jr. and)	
Nicole M. Driscoll,)	Case No. 18-24397 CMB
Debtors,)	
William A. Driscoll, Jr. and)	Chapter 13
Nicole M. Driscoll,)	Docket No.
Movants,)	Related to Doc. No. 98
vs.)	
No Respondents,)	
Respondent.)	

CONSENT ORDER APPROVING POST-PETITION AUTOMOBILE FINANCING

This matter comes before the Court upon the *CONSENT ORDER OF THE DEBTORS FOR POST-PETITION FINANCING* filed by Debtors. Based upon the foregoing, and for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The *Consent Order* is **GRANTED** as provided by the terms of this Order. Debtors are authorized to obtain secured financing for the purchase of a replacement vehicle on the following terms:

- (a) the total amount of financing **shall not exceed \$25,000**; and
- (b) the monthly payments made under the financing agreement **shall not exceed \$520.00**.

2. To the extent that Debtors secure financing for the purchase of a new vehicle, such payments **shall be made through the chapter 13 plan**. Within **30 DAYS** of securing such financing, Debtors shall file:

- (a) an amended chapter 13 plan; and
- (b) a report of financing which will include the details of the automobile financing

3. To ensure the prompt and timely payment of the automobile loan, Debtors shall make a supplemental payment to the chapter 13 trustee **within 7 days** of filing the report of financing (and each month thereafter as necessary) in an amount sufficient for the trustee to cover the installments due on the loan. The supplemental payments shall be in addition to the regular plan payment, pending confirmation of the amended plan.

4. Pending confirmation of any amended plan providing for the new post-petition loan payments, the trustee is authorized to make monthly adequate protection payments to a

lender that will be determined at the time of vehicle financing. A consent order will be filed within 7 days of vehicle financing providing for the contract amount so long as sufficient funds are provided by Debtors.

5. Notwithstanding the inclusion of the post-petition loan within an amended chapter 13 plan, the underlying terms of the loan shall not be modified absent the consent of the post-petition vehicle lender.

6. The Debtors are permitted to surrender the vehicle leased from Hyundai Capital, which has been totaled in an accident.

7. Debtors shall serve copies of this *Order* on all creditors eligible to receive distributions through the chapter 13 plan and file proof of the same with the Court.

Prepared by: Gary Short, Esq.

Dated:

Chief Judge Carlota M. Bohm

Consented to:

/s/ Gary W. Short

Gary Short
Attorney for Debtor

/s/ Kate DeSimone

Kate DeSimone
Attorney for the Chapter 13 Trustee

Case Administrator to Mail to:

William A. Driscoll
Nicole M. Driscoll
Gary Short Esq.
Ronda J. Winnecour, Esq.
Office of the U.S. Trustee